



GENERAL ASSEMBLY

COMMONWEALTH OF KENTUCKY

2006 REGULAR SESSION

HOUSE BILL NO. 273

AS ENACTED

TUESDAY, MARCH 21, 2006

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TREY GRAYSON
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY R. Hatter

AN ACT relating to the Firefighters Foundation Program fund.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1 Section 1. KRS 95A.250 is amended to read as follows:

- 2 (1) Beginning July 1, 1982, an eligible local government shall be entitled to receive
3 annually a supplement of two thousand seven hundred fifty dollars (\$2,750) for
4 each qualified professional firefighter it employs, and beginning on July 1, 1999, an
5 annual supplement of three thousand dollars (\$3,000) for each qualified
6 professional firefighter it employs, plus an amount equal to the required employer's
7 contribution on the supplement to the defined benefit pension plan, or to a plan
8 qualified under Section 401(a) or Section 457 of the Internal Revenue Code of 1954
9 as amended, provided that the employer's contribution on the supplement to any of
10 these plans shall not exceed that amount which is required of employers under the
11 County Employees Retirement System pursuant to KRS Chapter 78, to which the
12 officer belongs, but no more than the required employer's contribution to the County
13 Employees Retirement System hazardous duty category. In the case of County
14 Employees Retirement System membership, the pension contribution on the
15 supplement shall be paid whether the officer enters the system under hazardous duty
16 coverage or nonhazardous coverage. The local unit of government shall pay the
17 amount received for retirement coverage to the appropriate retirement system to
18 cover the required employer contribution on the pay supplement. Should the
19 foundation program funds be insufficient to pay employer contributions to the
20 system, then the total amount available for pension payments shall be prorated to
21 each eligible government so that each receives the same percentage of required
22 pension costs attributable to the cash salary supplement.
- 23 (2) Each qualified professional firefighter, whose local government receives a
24 supplement pursuant to subsection (1) of this section, shall be paid by that local
25 government the supplement which his qualifications brought to the local

1 government. The supplement paid each qualified firefighter shall be in addition to
 2 his regular salary.

3 (3) Beginning July 1, 2006:

4 (a) The Kentucky Community and Technical College System shall be entitled to
 5 receive annually a supplement equal to the amount determined in
 6 subsection (1) of this section for each Kentucky fire and rescue training
 7 coordinator employed by the Kentucky Community and Technical College
 8 System who meets the qualifications for individual firefighters required in
 9 KRS 95A.230, plus an amount equal to the required employer's
 10 contribution on the supplement to the defined benefit pension plan; and

11 (b) The Department of Military Affairs shall be entitled to receive annually a
 12 supplement equal to the amount determined in subsection (1) of this section
 13 for each civilian firefighter employed by the Department of Military Affairs
 14 who meets the qualifications for individual firefighters required in KRS
 15 95A.230, plus an amount equal to the required employer's contribution on
 16 the supplement to the defined benefit pension plan.

17 Each fire and rescue training coordinator employed by the Kentucky Community
 18 and Technical College System and each civilian firefighter employed by the
 19 Department of Military Affairs, whose employer receives a supplement pursuant
 20 to this subsection, shall be paid by that employer the supplement which his or her
 21 qualifications brought to the employer. The supplements paid shall be in addition
 22 to his or her regular salary.

23 Section 2. KRS 95A.262 is amended to read as follows:

- 24 (1) The Commission on Fire Protection Personnel Standards and Education shall, in
 25 cooperation with the Cabinet for Health and Family Services, develop and
 26 implement a continuing program to inoculate every paid and volunteer firefighter in
 27 Kentucky against hepatitis B. The program shall be funded from revenues allocated

1 to the Firefighters Foundation Program fund pursuant to KRS 136.392 and 42.190.
2 Any fire department which has inoculated its personnel during the period of July 1,
3 1991 to July 14, 1992, shall be reimbursed from these revenues for its costs incurred
4 up to the amount allowed by the Cabinet for Human Resources for hepatitis B
5 inoculations.

6 (2) Except as provided in subsection (3) of this section, the Commission on Fire
7 Protection Personnel Standards and Education shall allot on an annual basis a share
8 of the funds accruing to and appropriated for volunteer fire department aid to
9 volunteer fire departments in cities of all classes, fire protection districts organized
10 pursuant to KRS Chapter 75, county districts established under authority of KRS
11 67.083, and volunteer fire departments created as nonprofit corporations pursuant to
12 KRS Chapter 273. The commission shall allot eight thousand dollars (\$8,000)
13 annually to each qualifying department, and beginning on July 1, 2001, the
14 commission shall allot eight thousand two hundred fifty dollars (\$8,250) annually to
15 each qualifying department. Any qualifying department which fails to participate
16 satisfactorily in the Kentucky fire incident reporting system as described in KRS
17 304.13-380 shall forfeit annually five hundred dollars (\$500) of its allotment. If two
18 (2) or more qualified volunteer fire departments, as defined in KRS 95A.500 to
19 95A.560, merge after January 1, 2000, then the allotment shall be in accordance
20 with the provisions of KRS 95A.500 to 95A.560. The commission shall recommend
21 to the executive director of the Office of Housing, Buildings and Construction the
22 promulgation of administrative regulations in accordance with the provisions of
23 KRS Chapter 13A to define satisfactory participation in the Kentucky fire incident
24 reporting system. Administrative regulations for determining qualifications shall be
25 based on the number of both paid firefighters and volunteer firemen within a
26 volunteer fire department, the amount of equipment, housing facilities available,
27 and such other matters or standards as will best effect the purposes of the volunteer

1 fire department aid law. A qualifying department shall include at least twelve (12)
2 firefighters, a chief, and at least one (1) operational fire apparatus or one (1) on
3 order. Fifty percent (50%) of the firefighters shall have completed at least one-half
4 (1/2) of one hundred fifty (150) training hours toward certification within the first
5 six (6) months of the first year of the department's application for certification, and
6 there shall be a plan to complete the one hundred fifty (150) training hours within
7 the second year. These personnel, equipment, and training requirements shall not be
8 made more stringent by the promulgation of administrative regulations. No
9 allotment shall exceed the total value of the funds, equipment, lands, and buildings
10 made available to the local fire units from any source whatever for the year in which
11 the allotment is made. A portion of the funds provided for above may be used to
12 purchase group or blanket health insurance and shall be used to purchase workers'
13 compensation insurance, and the remaining funds shall be distributed as set forth in
14 this section.

- 15 (3) There shall be allotted two hundred thousand dollars (\$200,000) of the insurance
16 premium surcharge proceeds accruing to the Firefighters Foundation Program fund
17 that shall be allocated each fiscal year of the biennium to the firefighters training
18 center fund, which is hereby created and established, for the purposes of
19 constructing new or upgrading existing training centers for firefighters. If any
20 moneys in the training center fund remain uncommitted, unobligated, or
21 unexpended at the close of the first fiscal year of the biennium, then such moneys
22 shall be carried forward to the second fiscal year of the biennium, and shall be
23 reallocated to and for the use of the training center fund, in addition to the second
24 fiscal year's allocation of two hundred thousand dollars (\$200,000). Prior to funding
25 any project pursuant to this subsection, a proposed project shall be approved by the
26 Commission on Fire Protection Personnel Standards and Education as provided in
27 subsection (4) of this section and shall comply with state laws applicable to capital

1 construction projects.

2 (4) Applications for funding low-interest loans and firefighters' training centers shall be
3 submitted to the Commission on Fire Protection Personnel Standards and Education
4 for their recommendation, approval, disapproval, or modification. The commission
5 shall review applications periodically, and shall, subject to funds available,
6 recommend which applications shall be funded and at what levels, together with any
7 terms and conditions the commission deems necessary.

8 (5) Any department or entity eligible for and receiving funding pursuant to this section
9 shall have a minimum of fifty percent (50%) of its personnel certified as recognized
10 by the Commission on Fire Protection Personnel Standards and Education.

11 (6) Upon the written request of any department, the Commission on Fire Protection
12 Personnel Standards and Education shall make available a certified training
13 program in a county of which such department is located.

14 (7) The amount of reimbursement for any given year for costs incurred by the Kentucky
15 Community and Technical College System for administering these funds, including,
16 but not limited to, the expenses and costs of commission operations, shall be
17 determined by the commission and shall not exceed five percent (5%) of the total
18 amount of moneys accruing to the Firefighters Foundation Program fund which are
19 allotted for the purposes specified in this section during any fiscal year.

20 (8) The commission shall withhold from the general distribution of funds under
21 subsection (2) of this section an amount which it deems sufficient to reimburse
22 volunteer fire departments for equipment lost or damaged beyond repair due to
23 hazardous material incidents.

24 (9) Moneys withheld pursuant to subsection (8) of this section shall be distributed only
25 under the following terms and conditions:

26 (a) A volunteer fire department has lost or damaged beyond repair items of
27 personal protective clothing or equipment due to that equipment having been

1 lost or damaged as a result of an incident in which a hazardous material (as
 2 defined in any state or federal statute or regulation) was the causative agent of
 3 the loss;

4 (b) The volunteer fire department has made application in writing to the
 5 commission for reimbursement in a manner approved by the commission and
 6 the loss and the circumstances thereof have been verified by the commission;

7 (c) The loss of or damage to the equipment has not been reimbursed by the person
 8 responsible for the hazardous materials incident or by any other person;

9 (d) The commission has determined that the volunteer fire department does not
 10 have the fiscal resources to replace the equipment;

11 (e) The commission has determined that the equipment sought to be replaced is
 12 immediately necessary to protect the lives of the volunteer firefighters of the
 13 fire department;

14 (f) The fire department has agreed in writing to subrogate all claims for and rights
 15 to reimbursement for the lost or damaged equipment to the Commonwealth to
 16 the extent that the Commonwealth provides reimbursement to the department;
 17 and

18 (g) The department has shown to the satisfaction of the commission that it has
 19 made reasonable attempts to secure reimbursement for its losses from the
 20 person responsible for the hazardous materials incident and has been
 21 unsuccessful in the effort.

22 (10) If a volunteer fire department has met all of the requirements of subsection (9) of
 23 this section, the commission may authorize a reimbursement of equipment losses
 24 not exceeding ten thousand dollars (\$10,000) or the actual amount of the loss,
 25 whichever is less.

26 (11) Moneys which have been withheld during any fiscal year which remain unexpended
 27 at the end of the fiscal year shall be distributed in the normal manner required by

1 subsection (2) of this section during the following fiscal year.

2 (12) No volunteer fire department may receive funding for equipment losses more than
3 once during any fiscal year.

4 (13) The commission shall make reasonable efforts to secure reimbursement from the
5 responsible party for any moneys awarded to a fire department pursuant to this
6 section.

7 (14) There shall be allotted each year of the 1992-93 biennium one million dollars
8 (\$1,000,000), and each year of the 1994-95, 1996-97, 1998-99, and 2000-01
9 bienniums one million dollars (\$1,000,000) of the insurance premium surcharge
10 proceeds accruing to the Firefighters Foundation Program fund for the purpose of
11 creating a revolving low-interest loan fund, which shall thereafter be self-sufficient
12 and derive its operating revenues from principal and interest payments. The
13 commission, in accordance with the procedures in subsection (4) of this section,
14 may make low-interest loans, and the interest thereon shall not exceed three percent
15 (3%) annually or the amount needed to sustain operating expenses of the loan fund,
16 whichever is less, to volunteer fire departments for the purposes of major equipment
17 purchases and facility construction. Loans shall be made to departments which
18 achieve the training standards necessary to qualify for volunteer fire department aid
19 allotted pursuant to subsection (2) of this section, and which do not have other
20 sources of funds at rates which are favorable given their financial resources. The
21 proceeds of loan payments shall be returned to the loan fund for the purpose of
22 providing future loans. If a department does not make scheduled loan payments, the
23 commission may withhold any grants payable to the department pursuant to
24 subsection (2) of this section until the department is current on its payments. Money
25 in the low-interest loan fund shall be used only for the purposes specified in this
26 subsection. Any funds remaining in the fund at the end of a fiscal year shall be
27 carried forward to the next fiscal year for the purposes of the fund.

1 (15) For fiscal year 2004-2005 and each fiscal year thereafter, there is allotted one
2 million dollars (\$1,000,000) from the fund established in KRS 95A.220 to be used
3 by the commission to conduct training-related activities.

4 (16) If funding is available from the fund established in KRS 95A.220, the
5 Commission on Fire Protection Personnel Standards and Education may
6 implement the following:

7 (a) A program to prepare emergency service personnel for handling potential
8 man-made and non-man-made threats. The commission shall work in
9 conjunction with the fire marshal's office and other appropriate agencies
10 and associations to identify and make maps of gas transmission and
11 hazardous liquids pipelines in the state;

12 (b) A program to provide and maintain a mobile test facility in each training
13 region established by the Commission on Fire Protection Personnel
14 Standards and Education with equipment to administer Comprehensive
15 Physical Aptitude Tests (CPAT) to ascertain a firefighter's ability to
16 perform the physical requirements necessary to be an effective and safe
17 firefighter;

18 (c) A program to provide defensive driving training tactics to firefighters. The
19 commission shall purchase, instruct in the use of, and maintain mobile
20 equipment in each of the training regions, and fund expenses related to
21 equipment replacement;

22 (d) A program to annually evaluate equipment adequacy and to provide for
23 annual physical examinations for instructors, adequate protective clothing
24 and personal equipment to meet NFPA guidelines and to establish
25 procedures for replacing this equipment as needed;

26 (e) A program to establish a rotational expansion and replacement program for
27 mobile fleet equipment currently used for training and recertification of fire

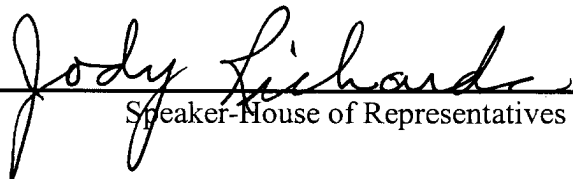
1 departments;

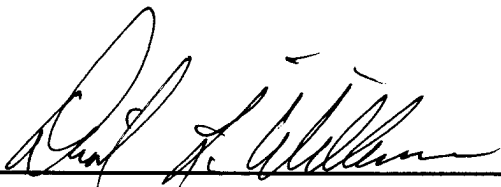
2 (f) A program to expand and update current EMS, first responder, EMT, and
3 paramedic training and certification instruction; and

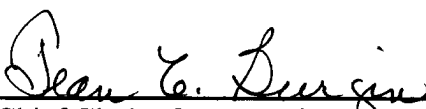
4 (g) A program to purchase thermal vision devices to comply with the provisions
5 of KRS 95A.400 to 95A.440.

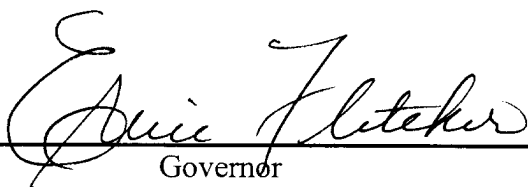
6 Section 3. KRS 95A.280 is amended to read as follows:

7 Each eligible local government, the Kentucky Community and Technical College
8 System, and the Department of Military Affairs shall submit reports to the commission
9 on fire protection on June 30, September 30, December 31, and March 31 of each year
10 containing information relative to number, rank, education, training and compensation of
11 firefighters and fire and rescue training coordinators in their jurisdictions and the
12 disposition made of any state or other funds received pursuant to KRS 95A.200 to
13 95A.300.


Speaker-House of Representatives


President of the Senate

Attest: 
Chief Clerk of House of Representatives

Approved 
Governor

Date 